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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission	Application Number 10/648,946
	Filing Date August 26, 2003
	First Named Inventor Daniel V. SANTI
	Art Unit 1625
	Examiner Name Amelia A. OWENS
	Attorney Docket Number 010069.01

### ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Supplemental Information Disclosure Statement, Form PTO-1449 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">Remarks</div>	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <ul style="list-style-type: none"> <li>1. Reference</li> <li>2. Confirmation Postcard</li> </ul>
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### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Yuan Chao, Reg. 32,118
Signature	
Date	July 21, 2004

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Nancy Impey
Signature	
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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop: \_\_\_\_\_ Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Appl'n of: Santi et al.

Att'y Ref. No.: 010069.01

Appl'n No.: 10/648,946

Filed: Aug. 26, 2003

Group Art Unit: 1625

Examiner: Amelia A. Owens

Title: Motilide Compounds

Mailing Address: Kosan Biosciences, Inc.

3832 Bay Center Place

Hayward, CA 94545

RESPONSE TO OFFICE ACTION AND  
SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir or Madam:

RESPONSE TO OFFICE ACTION

In response to the restriction requirement in the Office Action mailed June 22, 2004,  
Applicant elects Group I, claims 1-13. The election is made without traverse.

**CERTIFICATE OF MAILING UNDER 37 CFR §1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date given below with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Name of person signing certificate: Nancy Impay  
Signature: Nancy Impay Date: 7-21-2004

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

This Second Supplemental Information Disclosure Statement (“2nd Supplemental IDS”) is submitted to the Patent Office in accordance with the duty of candor and good faith under 37 CFR §1.56. The Examiner is requested to consider the cited information in the examination of this application.

The cited information is listed in the accompanying Form PTO-1449 (1 sheet total), submitted in duplicate. The Examiner is requested to return an initialed and signed copy of the form PTO-1449, in accordance with MPEP §609.

The citation of a particular item of information is not intended to be, and should not be construed as, an admission that such item of information is material to patentability as defined in 37 CFR §1.56 or qualifies as “prior art” within the meaning of applicable law. The materiality and “prior art” status of any item of information is a matter to be resolved during examination.

This Second Supplemental IDS is submitted under the provisions of 37 CFR §1.97(b)(3), that is, before the mailing of a first Office Action on the merits. Therefore, no fee, certification or other formality is required. However, in the event a fee is required, the Commissioner is authorized to charge such fee (including but not limited to any fee(s) that might be required under 37 C.F.R. §§1.16, 1.17, or 1.18) against Deposit Account No. 50-2544.

Consideration of the cited information in the examination of this application is respectfully requested.

Respectfully submitted,

  
\_\_\_\_\_  
July 21, 2004  
Date  
Yuan Chao  
Reg. No. 32,118  
Telephone (510) 751-5156  
Facsimile (510) 751-5143



Sheet 1 of 1

<p><b>INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION</b></p> <p><i>(Use several sheets if necessary)</i></p>	<p><i>Docket No. (optional)</i> <b>010069.01</b></p> <p><i>Application Number:</i> <b>10/648,946</b></p>
<p><i>Applicant:</i> <b>Santi et al.</b></p>	
<p><i>Filing Date:</i> <b>Aug. 26, 2003</b></p>	
<p><i>Group Art Unit:</i> <b>1625</b></p>	

## **U.S. PATENT DOCUMENTS**

## **FOREIGN PATENT DOCUMENTS**

Examiner Initial	Document Number	Date	Country	Class	Sub-class	Translation enclosed?
	WO 2004/013153 A2	02/2004	PCT			n/a

**OTHER DOCUMENTS** (*Including Author, Title, Date, Pertinent Pages, etc.*)

Examiner Initial	Details of Document	Translation enclosed?

<i>Examiner</i>	<i>Date considered</i>
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**EXAMINER:** Initial if citation considered, whether or not citation is in conformance with MPEP §609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.